

ASSEMBLY BILL

No. 9

Introduced by Assembly Member Lieber

August 14, 2006

An act to add Section 5035 to the Penal Code, and to amend Section 3300 of the Welfare and Institutions Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 9, as introduced, Lieber. Corrections: community facilities.

Existing law charges the Department of Corrections and Rehabilitation with the custody of prisoners.

This bill would authorize the department to enter into contracts with community correctional facilities to provide beds for male inmates and would allow branches of the California Rehabilitation Center to be established in facilities with which the department contracts.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5035 is added to the Penal Code, to
2 read:

3 5035. (a) The Department of Corrections and Rehabilitation
4 is authorized to enter into contracts for up to 4,000 beds for male
5 inmates in community correctional facilities pursuant to either
6 Article 1.5 (commencing with Section 2910) of Chapter 7 of

1 Title 1 of Part 3 or Chapter 9.5 (commencing with Section 6250)
2 of Title 7 of Part 3.

3 (b) The community correctional facilities with which the
4 department enters into contracts pursuant to subdivision (a) shall
5 provide rehabilitative services for male inmates, including, but
6 not limited to, education, vocational programs, substance abuse
7 treatment programs, and pre-release planning.

8 SEC. 2. Section 3300 of the Welfare and Institutions Code is
9 amended to read:

10 3300. There is hereby established an institution and branches,
11 under the jurisdiction of the Department of Corrections and
12 Rehabilitation, to be known as the California Rehabilitation
13 Center. Branches may be established in existing institutions of
14 the Department of Corrections and Rehabilitation, Division of
15 Adult Operations, *in facilities operated under contract with the*
16 *department*, in halfway houses as described in Section 3153, in
17 such other facilities as may be made available on the grounds of
18 other state institutions, and in city and county correctional
19 facilities where treatment facilities are available. Branches shall
20 not be established on the grounds of such other institutions in any
21 manner which will result in the placement of patients of such
22 institutions into inferior facilities. Branches placed in a facility of
23 the State Department of Mental Health shall have prior approval
24 of the Director of Mental Health, and branches placed in a
25 facility of the State Department of Developmental Services shall
26 have the prior approval of the Director of Developmental
27 Services. Commencing July 1, 2005, the branches in the
28 Department of Corrections and Rehabilitation, Division of
29 Juvenile Facilities shall be established by order of the secretary,
30 and shall be subject to his or her administrative direction.
31 Branches placed in city or county facilities shall have prior
32 approval of the legislative body of the city or county.

33 Persons confined pursuant to this section in branches
34 established in city and county correctional facilities shall be
35 housed separately from the prisoners therein, and shall be entitled
36 to receive treatment substantially equal to that which would be
37 afforded those persons if confined in the main institution of the
38 California Rehabilitation Center.

39 SEC. 3. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety

1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 As of June 2006, the prison inmate population in California
4 totaled nearly 172,000. More than 16,000 inmates are being
5 housed in buildings that were not originally designated as
6 housing units, and capacity in these nontraditional spaces will be
7 exhausted by June 2007. In order to provide prison capacity
8 beyond June 2007 and construct housing units and related
9 program space to replace nontraditional housing, it is necessary
10 that this act take effect immediately.

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